

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 59488

Agnieszka Czubernat

7883 Harold Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 8, 2009, for a Hearing on a citation for violations of the Baltimore County Code 9BCC) section 35-5-302, 302(B)(1), failure to repair/replace rear porch, fascia/trim in disrepair, failure to repair/replace missing gutter/downspouts on residential property zoned DR 10.5 known as 7883 Harold Road, 21222.

On June 3, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$8,200.00 (eight thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 24, 2009 requesting repair of rear fascia and gutter on the porch of this rowhouse property. This Citation was issued on June 3, 2009.

B. This case arose from a community sweep by Code Enforcement inspectors, at the request of the community association. Photographs in the file show missing siding, missing fascia along the porch roofline, and no gutters or downspouts to channel water properly off the roof. This violates County Code Section 25-5-302 ("In order not to pose a threat to the health, safety, or welfare of the occupants or immediate neighbors of an owner-occupied housing unit, the property owner shall maintain ... gutters ... in good repair.").

C. Respondent must make repairs to the porch roof and install proper gutters with downspout to direct water away from the building foundation. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the repairs are made within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if Respondent makes the necessary repairs to correct these violations by August 14, 2009. If the Respondent fails to correct the violations, then the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8<sup>th</sup> day of July 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf